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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/748,471 12/30/2003		Cindy Lou Price	17006	7085	
23556 75	590 09/14/2005		EXAMINER		
KIMBERLY-CLARK WORLDWIDE, INC. 401 NORTH LAKE STREET			COLE, ELIZABETH M		
NEENAH, WI	•		ART UNIT	PAPER NUMBER	
,			1771		
			DATE MAILED: 09/14/2005	DATE MAILED: 09/14/2005	

Please find below and/or attached an Office communication concerning this application or proceeding.

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	Application No.	Applicant(s)				
Office Action Comment	10/748,471	PRICE, CINDY LOU				
Office Action Summary	Examiner	Art Unit				
	Elizabeth M. Cole	1771				
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply						
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).						
Status						
1) Responsive to communication(s) filed on						
2a) This action is FINAL . 2b) This	action is non-final.					
, 	3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is					
closed in accordance with the practice under E	closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.					
Disposition of Claims						
4) Claim(s) <u>1-20</u> is/are pending in the application.						
4a) Of the above claim(s) is/are withdrawn from consideration.						
5) Claim(s) is/are allowed.						
6) Claim(s) is/are rejected.						
7) Claim(s) is/are objected to.	election requirement					
8) Claim(s) <u>1-20</u> are subject to restriction and/or e	election requirement.					
Application Papers						
9) The specification is objected to by the Examine						
10) ☐ The drawing(s) filed on is/are: a) ☐ acce						
Applicant may not request that any objection to the						
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).						
11)☐ The oath or declaration is objected to by the Ex	aminer. Note the attached Office	Action or form PTO-152.				
Priority under 35 U.S.C. § 119						
12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).						
a) ☐ All b) ☐ Some * c) ☐ None of:						
1. Certified copies of the priority documents have been received.						
2. Certified copies of the priority documents have been received in Application No						
3. Copies of the certified copies of the priority documents have been received in this National Stage						
application from the International Bureau (PCT Rule 17.2(a)).						
* See the attached detailed Office action for a list of the certified copies not received.						
Attachment(s)						
1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413) Notice of Draftsperson's Patent Drawing Review (PTO-948) Paper No(s)/Mail Date						
Notice of Draftsperson's Patent Drawing Review (P10-948) Information Disclosure Statement(s) (PT0-1449 or PT0/SB/08)	5) Notice of Informal F	Patent Application (PTO-152)				
Paper No(s)/Mail Date 6) Other:						

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Application/Control Number: 10/748,471

Art Unit: 1771

- 1. Claims 4 and 13 are generic to a plurality of disclosed patentably distinct species comprising a first elastomeric material comprising a polymer selected from polyurethanes, copolyetheresters polyamide polyether block copolymers, ethylene vinyl acetates, block copolymers having general formula A-B-A', A-b, elastomeric A-B-A-B where A and A' are each a thermoplastic polymer end block which contains a styrenic moiety such as a poly (vinyl arene) and where AB is an elastomeric polymer midblock such as a conjugated diene or a lower alkene polymer. Applicant is required under 35 U.S.C. 121 to elect a single disclosed species, even though this requirement is traversed.
- 2. Claims 4 and 13 are generic to a plurality of disclosed patentably distinct species comprising a second elastomeric material comprising a polymer selected from polyurethanes, copolyetheresters polyamide polyether block copolymers, ethylene vinyl acetates, block copolymers having general formula A-B-A', A-b, elastomeric A-B-A-B where A and A' are each a thermoplastic polymer end block which contains a styrenic moiety such as a poly (vinyl arene) and where AB is an elastomeric polymer midblock such as a conjugated diene or a lower alkene polymer.

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

Application/Control Number: 10/748,471 Page 3

Art Unit: 1771

3. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

4. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elizabeth M. Cole whose telephone number is (571) 272-1475. The examiner may be reached between 6:30 AM and 6:00 PM Monday through Wednesday, and 6:30 AM and 2 PM on Thursday.

Mr. Terrel Morris, the examiner's supervisor, may be reached at (571) 272-1478.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

The fax number for all official faxes is (571) 273-8300.

Elizabeth M. Cole Primary Examiner

Art Unit 1771